

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

OWL SHIPPING LLC	§	
	§	
Plaintiff,	§	
	§	
v.	§	C.A. NO 3:24-cv-00270
	§	Admiralty - Rule 9(h)
DALIAN SUNTIME INTERNATIONAL	§	
TRANSPORTATION CO., LTD. A/K/A	§	
DALIAN SUNTIME INT'L	§	
TRANSPORTATION CO. LTD. A/K/A	§	
DALIAN SUNTIME INTERNATIONAL	§	
TRANSPORTATION COMPANY, LTD.	§	
A/K/A DALIAN SUNTIME	§	
INTERNATIONAL TRANSPORTATION	§	
COMPANY LIMITED	§	
	§	
Defendants	§	
	§	

CLAIM TO CARGO BY TPCO ENTERPRISE, INC.; DECLARATION OF C.C. LAM

Interpleader Defendant and Claimant TPCO Enterprise, Inc., 10700 Richmond Ave. Suite 302, Houston, Texas 77042 (“TPCO”), hereby makes claim to its cargo sought to be interpled into this Court by Inter Merchant Marine Co. Ltd. (“IMMCL”) (Dkt. 26) and alleges as follows:

Interpleader Plaintiff IMMCL alleges that it is the registered owner of the vessel M/V INTER PRIDE. (Dkt. 26, ¶¶ 3 & 10) IMMCL further alleges that it entered a time charter with Dalian Suntime International Transportation Co. Ltd. (“Dalian”) for the use of M/V INTER PRIDE covering the voyage of the vessel to Houston (the “Time Charter”). (Dkt. 26, ¶¶ 3, 10 & 21)

Shipper Tianjin Pipe International Economic and Trading Corporation entered a contract with Dalian for the transportation of seamless steel pipe in bulk from China to Houston for delivery “To the Order of TPCO Enterprise Inc.”

TPCO is informed and believes that Dalian, as agent of IMMCL's Master, issued bills of lading on behalf of the vessel M/V INTER PRIDE correctly noting "Freight Prepaid". (See Exhibit 1, a true and correct copy of the Application for Funds Transfer (Overseas); Declaration of Chi Chiu Lam). The bills of lading issued on behalf of the vessel M/V INTER PRIDE describe the Cargo loaded on board the vessel INTER PRIDE at Xingang, China for discharge at Houston, Texas as:

- B/L No. DGIA1401IPTJ12, containing 39 pieces of seamless steel line pipe, Gross Weight 74.729 Metric Tons;
- B/L No. DGIA1401IPTJ13, containing 21 pieces of seamless steel line pipe, Gross Weight 43.096 Metric Tons;
- B/L No. DGIA1401IPTJ14, containing 33 pieces of seamless steel line pipe, Gross Weight 63.871 Metric Tons;
- B/L No. DGIA1401IPTJ15, containing 147 pieces of seamless steel line pipe, Gross Weight 469.084 Metric Tons; and
- B/L No. DGIA1401IPTJ39 containing 24 pieces of seamless steel line pipe, Gross Weight 83.406 Metric Tons (collectively the "Bills of Lading").

True and correct copies of the Original on board Bills of Lading are attached hereto as Exhibits 2 – 6. (See Declaration of Chi Chiu Lam) The originals of the Bills of Lading will be made available for inspection by the Court and parties at the hearing on IMMCL's Interpleader.

IMMCL has further alleged that Dalian breached the Time Charter forcing it to take over the voyage and complete the delivery of TPCO's Cargo at Houston. (Dkt. 26, ¶¶ 10 & 21) IMMCL further alleges that there are multiple original bills of lading covering TPCO's Cargo and, therefore, seeks to interplead TPCO's Cargo into the registry of this Court along with cargo owned by others also bound for discharge at Houston. The other cargo interests have separate bills of lading referring to different cargo (including various coils, carbon steel, and mechanical

tubing). There are no conflicting mutually exclusive claims to TPCO's cargo of which TPCO is aware and none is alleged by IMMCL in its interpleader. (Dkt. 26)

TPCO is the only person or entity with title or right of possession of TPCO's Cargo and the only entity in possession of the original Bills of Lading covering such.

TPCO is entitled to immediate possession of its cargo upon surrender of its Original Bills of Lading to the Court or to the vessel as may be ordered by this Court.

Respectfully submitted,

DATED: October 28, 2014

By: /s/ J. C. Winton

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Attorneys for TPCO ENTERPRISE, INC.

CERTIFICATE OF SERVICE

I certify that the foregoing was served on all counsel of record via the Court's CM/ECF system.

DATED: October 28, 2014

/s/ *J. C. Winton*
James Winton